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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,648	12/30/2003	Eugenio Go Varona	17986	6897
22827	7590	09/22/2006	EXAMINER	
DORITY & MANNING, P.A.			SALVATORE, LYNDA	
POST OFFICE BOX 1449			ART UNIT	PAPER NUMBER
GREENVILLE, SC 29602-1449			1771	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,648

Applicant(s)

VARONA ET AL.

Examiner

Lynda M. Salvatore

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 17 and 21 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 11-16, 18-20, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on, 4/11/06 PROSECUTION IS HEREBY REOPENED. Applicant's arguments were found persuasive to overcome the prior art rejections made in previous Office Actions. However, the following new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is indefinite because it is not clear to the Examiner what Applicant means by

Art Unit: 1771

“a non-woven webs”. Specifically, it is not clear if Applicant is referring to the first non-woven web or both first and second non-woven webs. For purposes of Examination, said phrase will be interpreted to mean either the first or second non-woven web.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United

5. Claims 1-3, 8,17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ionescu et al., EP 0 390 755 A2.

The published EP application discloses a laminated geotextile comprising one non-woven layer (a1) having pores ranging in size between 50-100 micrometers connected to another non-woven layer (a2) having pores at least three times the size of the pore size of non-woven layer (a1) (abstract and column 1, 35-52). With regard to the fiber denier limitation, Ionescu et al., teach that non-woven layer (a2), comprise high denier fibers greater than 30 dtex (column 1, 45-52). With regard to the bimodal limitation, it is the position of the Examiner that the laminate of Ionescu et al., would exhibit the claimed bimodal limitation since the pores present in non-woven layer (a1) are smaller than the pores present in non-woven layer (a2). Thus, the mean pore size of each non-woven layer would result in a laminate having a bimodal distribution.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being obvious over Ionescu et al., EP 0 390 755 A2 as applied to claim 1 above and further in view of Zucker, US 2005/0020159 A1.

The published EP application fails to teach the structure of the non-woven webs, however, the published patent application issued to Zucker teach a hydroentangled or bonded carded web suitable for use in geotextiles (sections 0019, 0021 and 0031).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a known textile manufacturing method to produce the non-woven layers (a1 and a2) in the laminate taught by Ionescu et al., as taught by Zucker.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being obvious over Ionescu et al., EP 0 390 755 A2 as applied to claim 1 above and further in view of Guthrie et al., US 4,894,280.

The published EP application fails to teach the structure of the non-woven webs, however, the patent issued to Guthrie et al., teach a coform non-woven web suitable for use in geotextiles (column 1, 20-30 and column 2, 40-65).

Art Unit: 1771

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a known textile manufacturing method to produce the non-woven layers (a1 and a2) in the laminate taught by Ionescu et al., as taught by Guthrie et al.

Allowable Subject Matter

9. Claims 6-7 and 11-16, 18-20,22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regard to claims 6-7, the prior art fails to teach a non-woven layer suitable for use as a geotextile layer having crimped fibers or a creped structure.

With regard to claim 11, the prior art of record fails to teach a geotextile laminate comprising a third layer having having a mean pore radius greater than about 100 micrometers.

An updated art search did not produce any new substantial art for which to base a rejection and presently no motivation exists to combine references to form an obviousness type rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 9, 2006

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